

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Chen, et al.)
Serial No.: **10/721,951**) PATENT PENDING
Filed: **November 25, 2003**) Examiner: Kan Yuen
For: **Power-Based Rate Adaptation of Wireless**) Group Art Unit: 2416
 Communication Channels) Confirmation No.: 5862
Docket No: **4740-251**)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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TELEPHONE INTERVIEW SUMMARY

Examiner Yuen called the undersigned attorney yesterday and said that his SPE was not comfortable allowing at least some of the new claims presented in Applicant's previous response. The examiner explained that the reason for that discomfort was that the newly presented claims did not include certain language found in amended claim 23, for example.

The undersigned attorney referred to the remarks in the prior response, explaining that the newly presented claims at issue were simply allowable dependent claims rewritten in independent claim form. That is, the newly presented claims are independent claim versions of dependent claims objected-to in the examiner's last Office Action as allowable but for their dependence on a rejected base claim.

The examiner stated during the telephone conversation that a new search would be needed for those claims, and the undersigned attorney said that no search should be needed, because the last Office Action had already determined the claimed subject matter to be allowable, and because the prior response had faithfully presented that allowable subject matter

in independent claim form--i.e., the prior response simply placed the case in condition for allowance, in strict accord with the indications of allowable subject matter by the Patent Office.

No agreement was reached, and the examiner said that he would call back.

Respectfully submitted,
COATS & BENNETT, P.L.L.C.



Dated: February 26, 2009

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